



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

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9 March 2005

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Tim Bergere, Esq.
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123 S. Broad Street
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RE: Athos 1 Spill; Invitation to Participate in a Damage Assessment

Dear Gene and Tim:

On behalf of the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service, the States of Delaware and New Jersey, and the Commonwealth of Pennsylvania, collectively the natural resource Trustees, I invite you to participate in a natural resource damage assessment for the Athos 1 oil spill. This invitation is made pursuant to 15 C.F.R. § 990.14(2)(c). NOAA has been designated the Federal Lead Administrative Trustee pursuant to a Memorandum of Understanding between the Trustees and 15 C.F.R. § 990.14(a) and further has been authorized by the Trustees to extend this invitation. While the Trustees and the Responsible Party (RP) have been cooperating since the date of the incident (late November 2004), this letter formalizes the request for cooperation in the natural resource damage assessment process.

Accordingly, the Trustees invite the RP to participate in meetings of the Joint Assessment Team and the various technical working groups. Further, the Trustees request that the RP reimburse us for past reasonable damage assessment costs incurred up to the date of this invitation. Payment would be contingent upon your review of full cost documentation packages that the Trustees will submit. In addition, the Trustees request that the RP enter into an agreement with us to pay for future reasonable assessment costs. 33 U.S.C. §§ 2702(b)(2)(A) and 2706(d)(1); 15 C.F.R. § 990.30.



Please provide me with a written response to our invitation and requests no later than May 25, 2005.

Sincerely,

A handwritten signature in dark ink, reading "Sharon Shutler". The signature is fluid and cursive, with the first name "Sharon" and last name "Shutler" clearly distinguishable.

Sharon K. Shutler
NOAA Office of General Counsel
for Natural Resources

cc: Rachel Jacobson
Robert Kuehl
Marcia Gittes
Joan Steiner-Olawski
Stan Sneath
William Pouse